

United States District Court  
Central District of California

EQUITY TRUST Co.,  
Plaintiff,  
v.  
BARR ANHUT AND ASSOCIATES PC,  
et al.,  
Defendants.

Case No. 5:15-cv-02642-ODW-KK

# **ORDER TO SHOW CAUSE RE: COMPLIANCE WITH LOCAL RULES**

1       On December 29, 2015, Plaintiff Equity Trust filed its Complaint against  
 2 Defendants Barr Anhut and Associates PC and others alleging claims for slander of  
 3 title, defamation, abuse of process, intrusion upon seclusion, conspiracy, unlawful  
 4 conversion, extortion, tortious interference, perjury, fraud, RICO violations, myriad  
 5 breach of contract claims, intentional infliction of emotional distress, and loss of  
 6 enjoyment of life. (ECF No. 1, Compl.)

7       However, Plaintiff Equity Trust filed this lawsuit without the assistance of  
 8 counsel. Plaintiff is a corporation, and therefore may not appear in federal court pro  
 9 se. *See C.D. Cal. R. 83–2.2.2* (“Only individuals may represent themselves pro se. No  
 10 organization or entity of any other kind (including corporations, ... ) may appear in  
 11 any action or proceeding unless represented by an attorney permitted to practice  
 12 before this Court under L.R. 83–2. 1.”). *See also Rowland v. Cal.Men's Colony, Unit*  
*13 II Men's Advisory Council*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the  
 14 better part of two centuries ... that a corporation may appear in the federal courts only  
 15 through licensed counsel.”); 28 U.S.C. § 1654 (“In all courts of the United States the  
 16 parties may plead and conduct their own cases personally or by counsel as, by the  
 17 rules of such courts, respectively, are permitted to manage and conduct causes  
 18 therein.”). Here, the Complaint is signed by Gary Hann, the “Custodian FBO” of  
 19 Equity Trust, as Petitioner in Pro Se. (Compl.)

20       An individual representative may not make “an end run around section 1654”  
 21 by seeking to represent a corporation pro se. *United States v. High Country Broad.*  
*22 Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (affirming entry of default judgment against  
 23 dissolved corporation where president and shareholder attempted to represent  
 24 corporation). “Since a corporation may not appear except through an attorney,  
 25 likewise the representative shareholder cannot appear without an attorney.” *Phillips v.*  
*26 Tobin*, 548 F.2d 408, 411 (2d Cir.1976); *see also Ramirez v. United States*, No. SACV  
 27 14-581-JLS ANX, 2014 WL 5139339, at \*2 (C.D. Cal. Sept. 23, 2014) *aff'd*, 604 F.  
 28 App'x 575 (9th Cir. 2015).

Because Equity Trust is not represented by counsel, Local Rule 83-2.2.4 applies and Plaintiff's "[f]ailure to comply with the rules ... may be grounds for dismissal or judgment by default."

4 The Court elects to refrain from dismissal at this stage, and instead **ORDERS**  
5 Plaintiff to show cause in writing **by February 29, 2016** why this case should not be  
6 dismissed. The filing of an attorney appearance or brief not longer than ten pages  
7 arguing for the appropriateness of the pro se appearance in light of Local Rule 83-  
8 2.2.2 will discharge this order. No hearing will be held.

IT IS SO ORDERED.

12 || January 5, 2016

**OTIS D. WRIGHT, II  
UNITED STATES DISTRICT JUDGE**